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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,262	08/10/2001	Craig M. Arndt	1052.1257	7446
7590 10/03/2005			EXAMINER	
WAYNE J. COLTON, INC. The Milam Building Suite 1032 115 East Travis Street San Antonio, TX 78205			NGUYEN, TRI V	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/927,262	Applicant(s) ARNDT ET AL.	
	Examiner Tri V. Nguyen	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by DeLorme et al. (5,948,040).

Claim 1: DeLorme et al. discloses a method for providing access to a commercial establishment comprising the steps of:

- a. locating a portable device at a terrestrial position at a point in time (using a GPS system) (col 10, lines 33-38 and 53-58; col 14, lines 66-67; col 15, lines 1-5 and 61-67; col 16, lines 1-15; col 77, lines 34-44 and Fig. 9B);
- b. identifying a commercial establishment in proximity to said portable device at said point in time based upon said terrestrial position (col 77, lines 34-44 and col 77, lines 60-63);
- c. providing a response specific to said commercial establishment (col 77, lines 34-44 and col 77, lines 60-63).

Claim 2: DeLorme et al. discloses a method as in claim 1 for receiving a navigational signal on the portable device (GPS) (col 16, lines 41-59, col 21, lines 27-57 and col 73, lines 36-50 and Fig 9B).

Claim 3: DeLorme et al. discloses a method as in claim 2 for providing a response step comprising the step of paying for goods or services from the commercial

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establishment (col 16, lines 16-32; col 60, lines 7-16; col 63, lines 33-37; Fig 3 and Fig 8A, elements 809 and 816).

Claim 4: DeLorme et al. discloses a method as in claim 2 providing a response step comprising of paying an admission fee (col 15, lines 61-67; col 16, lines 1-32; col 60, lines 7-16; col 63, lines 33-37; Fig 3 and Fig 8A, elements 809 and 816).

Claim 5: DeLorme et al. discloses a method as in claim 4 providing a response step comprising of generating an access code within the portable device (col 16, lines 16-32; col 67, lines 29-34 and Fig 8B).

Claim 6: DeLorme et al. discloses a method as in claim 5 wherein the portable device is adapted to communicate the access code to a receiver at the commercial establishment (col 16, lines 16-32 and col 21, lines 27-57).

Claim 7: DeLorme et al. discloses a method for utilizing a transportation service comprising the steps of:

- a. locating a portable device at a terrestrial position (GPS) (col 10, lines 33-38 and 53-58; col 14, lines 66-67; col 15, lines 1-5 and 61-67; col 16, lines 1-15; col 77, lines 34-44 and Fig. 9B);
- b. determining the availability of a transportation service based upon the terrestrial position (col 21, lines 27-57; col 77, lines 34-44 and col 77, lines 60-63);
- c. communicating the terrestrial position to transportation service (col 21, lines 27-57; col 77, lines 34-44 and col 77, lines 60-63).

Claim 8: DeLorme et al. discloses a method as in claim 7 wherein the locating step comprises receiving a navigational signal (col 73, lines 36-50 and Fig 9B).

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Claim 9: DeLorme et al. discloses a method as in claim 8 comprising the step of paying a service charge (col 60, lines 7-16; col 63, lines 33-37; Fig 3 and Fig 8A, elements 809 and 816).

Claim 10: DeLorme et al. discloses a method as in claim 9 wherein the service charge is a ride fare (col 16, lines 41-59 and col 21, lines 27-57).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A. Hall et al. (6,026,375) discloses a method for receiving an order from a mobile customer, identifying goods or services providers, determining the location of the customer and the goods or services provider, providing a navigational response and allowing the customer to purchase and pay for the goods or services.
- B. Baranowski (6,813,608) discloses a method for linking a mobile customer to the operations of a business in a bounded environment including viewing and tracking the location of the customer, providing an interactive map and allowing the customer to initiate searches for information and products and making electronic purchases.
- C. Sehr (6,926,203) discloses a method that encompasses a plurality of travel service providers and a multi-application traveler device providing travel-related information and allowing for the purchase of goods or services.

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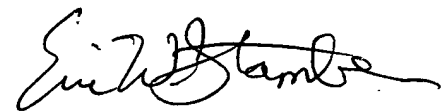
D. Kargman (US 2002/0049644) discloses a method for the execution of a commercial transaction from a mobile customer with a one-touch button on a portable device, providing navigational information and allowing the customer to purchase and pay for the goods or services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nvt


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